IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5065 OF 2006

Dilip Dhondiba Gaikwad & Ors. ...Petitioners
V/s.
K.D. Associates ...Respondent

Shri S.M. Gorwadkar for the Petitioners.
Shri G.S. Godbole i/b. S.S. Kanetkar for the Respondent.

WITH

WRIT PETITION NO. 5537 OF 2006

M/s.K & D Associates ...Petitioner
V/s.
Shri Dilip Dhondiba Gaikwad & Ors. ...Respondents

Shri G.S. Godbole i/b. S.S. Kanetkar for the Petitioner.
Shri S.M. Gorwadkar for the Respondents.

CORAM : V.M. KANADE, J.

DATED : MARCH 8, 2007

P.C. :-

1. Heard the learned Counsel for the petitioners and the learned Counsel for the respondent.

2. Both the petitioners in the respective petitions are challenging the judgment and order passed by the District Judge, Pune, in Misc.civil Appeal No.38/2006. Brief facts are that M/s.K.D. Associates, original

plaintiff agreed to purchase land which was belonging to the original defendants and accordingly, visar pivati was executed on 7.3.92. It is alleged that thereafter, an agreement for sale was executed and out of the total consideration, part of the said amount was paid. A Power of Attorney was executed in favour of the plaintiff on 7th March, 1995 and the balance amount of consideration was paid. It is further alleged by the plaintiff that defendants executed a registered development contract/agreement of sale in favour of the plaintiff on 12th October, 1998. The plaintiff thereafter filed a suit for injunction simplicitor and initially, the trial court granted the injunction in favour of the plaintiff. The defendants preferred an appeal and the lower appellate court partly allowed the appeal and defendants were restrained from transferring or alienating the suit land and were restrained from creating third party interest and the prayer of the plaintiff for temporary injunction restraining the defendants from obstructing his possession of the suit land till the decision of the suit was rejected. Both the plaintiff and the defendants being aggrieved by the

aforesaid order have preferred these two petitions.

3. I have heard the learned counsel for the petitioners in both the cases. In my view, inspite of deciding these writ petitions on merits, the ends of justice would be met if the directions are given to the trial court to decide the suit, expeditiously and in any case within a period of eight months.

4. Accordingly, both these petitions are disposed of with a direction to the trial court to decide RCS.No.174/2003 within eight months i.e. on or before 31st October, 2007. All contentions of both the parties are kept open.

. Writ petitions are disposed of in the above terms.

(V.M. Kanade, J.)